THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.24988 OF 2005

-

ORAL ORDER:

The petitioner is carrying on the business of a Bar & Restaurant having obtained licence under the provisions of the A.P. Excise Act and the Rules made thereunder.

This writ petition is filed being aggrieved by the order passed by the 2nd respondent - Commissioner of Police dated 3.05.2005, under which the request of the petitioner for grant of police licence to run the Bar and Restaurant was rejected on the ground that the petitioner has not provided sufficient parking place for the customers. The petitioner raised various contentions including that there is no such necessity to obtain a police licence for running a Bar & Restaurant up to 9.00 p.m. At any rate, the petitioner contends that the ground on which the impugned order was passed is factually incorrect. It is pleaded that there is sufficient parking place in the premises of the petitioner- Bar & Restaurant; however, since no notice was given to the petitioner before conducting the so-called enquiry by the 2nd respondent, the same could not be brought to the notice of the 2nd respondent.

The fact that no notice was issued to the petitioner before conducting the enquiry, has not been disputed by the respondents.

In the counter-affidavit, it was only stated that the enquiries made by the Additional Commissioner of Police, Traffic-II, Division, West Zone, Hyderabad, revealed that the available general parking place is not sufficient for the petitioner- Bar and Restaurant as the cellar portion of the building meant for parking has been converted into a commercial complex.

Since the said version of the respondents has been categorically denied by the petitioner and in the affidavit in reply, the petitioner has furnished the details of the parking place available, I am of the opinion that the matter requires reconsideration after due notice to the petitioner

Accordingly, the impugned order is set aside and the 2nd respondent is directed to

conduct fresh enquiry after notice to the petitioner and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

(G. ROHINI, J.)

23rd February, 2006.

Kgr

Issue CC in two days.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.24988 OF 2005

23rd February, 2006.

Between:

M/s Himalaya Restaurant & Bar,

a registered Partnership firm, represented

by its Managing Partner, Sri G.V. Dheeraj Reddy. .. Petitioner.

And

Government of Andhra Pradesh, represented by

its Secretary, Home, Secretariat buildings, Hyderabad

and five others. .. Respondents